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Attorney for Defendants Jackson County Sheriff's Office;  
Jackson County Sheriff Mike Winters; and Deputy Penkava

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

## MEDFORD DIVISION

DENNIS RUSSELL HOOPER,

Plaintiff,

V.

JACKSON COUNTY SHERIFF'S  
OFFICE, *et al.*,

### Defendants.

CASE NO. 1:13-cv-1400-CL

DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT

**DEMAND FOR JURY TRIAL**

In answer to plaintiff's Complaint, defendants Jackson County Sheriff's Office, Sheriff Mike Winters, and Deputy Penkava admit, deny, and allege as follows:

1.

Admit that on August 16, 2011, in Rogue River, Oregon, Jackson County Deputy Sheriff Penkava stopped a vehicle being operated by plaintiff Dennis Russell Hooper (a.k.a. Dennis Resch).

2.

Defendants deny the remaining allegations of plaintiff's Complaint because they are untrue or inaccurate as alleged, because defendants lack information sufficient to form a belief as to their truth, or because the allegations are conclusions of law rather than allegations of fact.

1 - DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

1 BY WAY OF FURTHER ANSWER AND FIRST AFFIRMATIVE DEFENSE,  
2 defendants allege:

3.

4 Deputy Penkava had reasonable suspicion to stop the vehicle being operated by plaintiff  
5 Dennis Russell Hooper on August 16, 2011, in Rogue River, Oregon

6 BY WAY OF FURTHER ANSWER AND SECOND AFFIRMATIVE DEFENSE,  
7 defendants allege:

8.

9 Both Deputy Penkava and Sheriff Winters are entitled to qualified immunity on  
10 plaintiff's Fourth Amendment claim because neither Deputy Penkava nor Sheriff Winters  
11 violated any of plaintiff's clearly established constitutional rights.

12 BY WAY OF FURTHER ANSWER AND THIRD AFFIRMATIVE DEFENSE,  
13 defendants allege:

14.

15 The Jackson County Sheriff's Office is not an entity subject to suit nor is it a proper  
16 party.

17 BY WAY OF FURTHER ANSWER AND FOURTH AFFIRMATIVE DEFENSE,  
18 defendants allege:

19.

20 Plaintiff's Complaint fails to state a claim upon which the honorable Court can grant  
21 relief.

22 WHEREFORE, having fully answered plaintiff's Complaint, defendants pray for  
23 judgment in their favor, including an award of their costs, disbursements, and attorney fees  
24 pursuant to 42 U.S.C. § 1988 on the grounds that some or all of plaintiff's claims against  
25 defendants are frivolous in fact and/or in law.

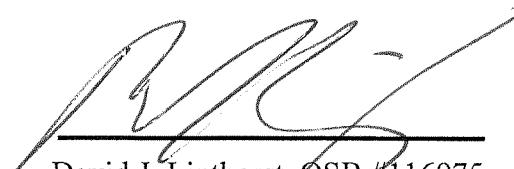
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28 2 - DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

1 Respectfully submitted, this 2nd day of October, 2013:

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Fax: 541.774.6722  
Attorney for JCSO Defendants

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL** on:

4 Dennis Russell Hoper  
5 P.O. Box 2054  
6 Rogue River, Oregon 97537  
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7 by mailing a true and correct copy to Dennis Russell Hooper at the above listed address on  
8 October 2, 2013. It was contained in a sealed envelope, with postage paid, addressed as stated  
9 above, and deposited with the U.S. Postal Service in Medford, Oregon.

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